
SENATE BILL No. 202

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-27-2-1; IC 16-42-19-5; IC 25-22.5; IC 25-27.5.

Synopsis: Physician assistant prescription authority. Allows a physician assistant to prescribe prescription drugs other than controlled substances under specified circumstances and within specified limitations.

Effective: July 1, 2007.

Miller

January 8, 2007, read first time and referred to Committee on Health and Provider Services.

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First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

SENATE BILL No. 202

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 16-27-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. As used in this chapter, "health care professional" means any of the following:

- (1) A licensed physician or a ~~physician's~~ **physician** assistant (as defined in IC 25-22.5-1-1.1).
- (2) A dentist licensed under IC 25-14.
- (3) A chiropractor licensed under IC 25-10-1.
- (4) A podiatrist licensed under IC 25-29.
- (5) An optometrist licensed under IC 25-24.
- (6) A nurse licensed under IC 25-23-1.
- (7) A physical therapist licensed under IC 25-27 or a physical therapy assistant certified under IC 25-27.
- (8) A speech language pathologist or an audiologist licensed under IC 25-35.6-3.
- (9) A speech language pathology aide or an audiology aide (as defined in IC 25-35.6-1-2).
- (10) An:



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- 1 (A) occupational therapist; or
 2 (B) occupational therapist assistant;
 3 certified under IC 25-23.5.
 4 (11) A social worker licensed under IC 25-23.6 or a clinical social
 5 worker licensed under IC 25-23.6.
 6 (12) A pharmacist licensed under IC 25-26-13.
 7 SECTION 2. IC 16-42-19-5, AS AMENDED BY P.L.157-2006,
 8 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2007]: Sec. 5. As used in this chapter, "practitioner" means
 10 any of the following:
 11 (1) A licensed physician.
 12 (2) A veterinarian licensed to practice veterinary medicine in
 13 Indiana.
 14 (3) A dentist licensed to practice dentistry in Indiana.
 15 (4) A podiatrist licensed to practice podiatric medicine in Indiana.
 16 (5) An optometrist who is:
 17 (A) licensed to practice optometry in Indiana; and
 18 (B) certified under IC 25-24-3.
 19 (6) An advanced practice nurse who meets the requirements of
 20 IC 25-23-1-19.5.
 21 **(7) A physician assistant certified under IC 25-27.5 who is**
 22 **delegated prescriptive authority under IC 25-27.5-5 within the**
 23 **limitations set forth in IC 25-27.5-5.**
 24 SECTION 3. IC 25-22.5-1-1.1, AS AMENDED BY P.L.1-2006,
 25 SECTION 444, IS AMENDED TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2007]: Sec. 1.1. As used in this article:
 27 (a) "Practice of medicine or osteopathic medicine" means any one
 28 (1) or a combination of the following:
 29 (1) Holding oneself out to the public as being engaged in:
 30 (A) the diagnosis, treatment, correction, or prevention of any
 31 disease, ailment, defect, injury, infirmity, deformity, pain, or
 32 other condition of human beings;
 33 (B) the suggestion, recommendation, or prescription or
 34 administration of any form of treatment, without limitation;
 35 (C) the performing of any kind of surgical operation upon a
 36 human being, including tattooing, except for tattooing (as
 37 defined in IC 35-42-2-7), in which human tissue is cut, burned,
 38 or vaporized by the use of any mechanical means, laser, or
 39 ionizing radiation, or the penetration of the skin or body orifice
 40 by any means, for the intended palliation, relief, or cure; or
 41 (D) the prevention of any physical, mental, or functional
 42 ailment or defect of any person.

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(2) The maintenance of an office or a place of business for the reception, examination, or treatment of persons suffering from disease, ailment, defect, injury, infirmity, deformity, pain, or other conditions of body or mind.

(3) Attaching the designation "doctor of medicine", "M.D.", "doctor of osteopathy", "D.O.", "osteopathic medical physician", "physician", "surgeon", or "physician and surgeon", either alone or in connection with other words, or any other words or abbreviations to a name, indicating or inducing others to believe that the person is engaged in the practice of medicine or osteopathic medicine (as defined in this section).

(4) Providing diagnostic or treatment services to a person in Indiana when the diagnostic or treatment services:

(A) are transmitted through electronic communications; and

(B) are on a regular, routine, and non-episodic basis or under an oral or written agreement to regularly provide medical services.

In addition to the exceptions described in section 2 of this chapter, a nonresident physician who is located outside Indiana does not practice medicine or osteopathy in Indiana by providing a second opinion to a licensee or diagnostic or treatment services to a patient in Indiana following medical care originally provided to the patient while outside Indiana.

(b) "Board" refers to the medical licensing board of Indiana.

(c) "Diagnose or diagnosis" means to examine a patient, parts of a patient's body, substances taken or removed from a patient's body, or materials produced by a patient's body to determine the source or nature of a disease or other physical or mental condition, or to hold oneself out or represent that a person is a physician and is so examining a patient. It is not necessary that the examination be made in the presence of the patient; it may be made on information supplied either directly or indirectly by the patient.

(d) "Drug or medicine" means any medicine, compound, or chemical or biological preparation intended for internal or external use of humans, and all substances intended to be used for the diagnosis, cure, mitigation, or prevention of diseases or abnormalities of humans, which are recognized in the latest editions published of the United States Pharmacopoeia or National Formulary, or otherwise established as a drug or medicine.

(e) "Licensee" means any individual holding a valid unlimited license issued by the board under this article.

(f) "Prescribe or prescription" means to direct, order, or designate

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the use of or manner of using a drug, medicine, or treatment, by spoken or written words or other means.

(g) "Physician" means any person who holds the degree of doctor of medicine or doctor of osteopathy or its equivalent and who holds a valid unlimited license to practice medicine or osteopathic medicine in Indiana.

(h) "Medical school" means a nationally accredited college of medicine or of osteopathic medicine approved by the board.

(i) ~~"Physician's"~~ **"Physician assistant"** means an individual who:

(1) ~~is an employee of~~ **employed and supervised by** a physician;

(2) ~~is a graduate of a physician's~~ **graduated from a physician assistant training program approved by the board; or surgeon assistant program accredited by an accrediting agency (as defined by IC 25-27.5-2-4.5);**

(3) ~~has successfully completed the national examination administered by the national commission on the certification of physician's assistants; passed the certifying examination administered by the National Commission on Certification of Physician Assistants (NCCPA) and maintains certification;~~ and

(4) ~~has registered with the board;~~ **been certified by the physician assistant committee under IC 25-27.5.**

(j) "Agency" refers to the Indiana professional licensing agency under IC 25-1-5.

SECTION 4. IC 25-22.5-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) A person who violates this article by unlawfully practicing medicine or osteopathic medicine commits a Class C felony.

(b) A person who practices midwifery without the license required under this article commits a Class D felony.

(c) A person who acts as a ~~physician's~~ **physician** assistant without ~~registering with~~ **being certified by the board physician assistant committee under IC 25-27.5 and** as required under this article commits a Class D felony.

SECTION 5. IC 25-27.5-2-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. "Supervision" means that the supervising physician or the physician designee accepting responsibility for the physician assistant must be ~~either physically present or immediately available for consultation~~ at all times that services are rendered or tasks are performed by the physician assistant. The term includes the use of protocols, guidelines, and standing orders developed or approved by the supervising physician.

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SECTION 6. IC 25-27.5-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. A physician assistant must engage in a dependent practice with physician supervision. A physician assistant may perform, **under the employment and supervision of the supervising physician**, the duties and responsibilities that are delegated by the supervising physician **and that are within the supervising physician's scope of practice, including the prescribing and dispensing of drugs as specified under section 4 of this chapter.**

SECTION 7. IC 25-27.5-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) The board may adopt rules under IC 4-22-2 to determine the appropriate use of prescription drugs by a physician assistant.

(b) As permitted by the board, a physician assistant may use, **prescribe**, or dispense only drugs prescribed or approved by the supervising physician. **The supervising physician may delegate prescription authority to the physician assistant only in writing and only for prescription drugs that fall within the supervising physician's scope of practice.**

(c) A physician assistant shall have worked with a supervising physician for at least one (1) year before the supervising physician may delegate prescription authority to the physician assistant.

(d) A physician assistant may prescribe a drug to a patient only if the patient has been seen by a physician licensed under IC 25-22.5 within one (1) calendar year.

(e) A physician assistant may not prescribe drugs unless the physician assistant has successfully completed at least thirty (30) contact hours in pharmacology from an educational program that is approved by the committee.

(f) A physician assistant may not prescribe more than a seven (7) day supply of a prescription drug.

~~(c)~~(g) Notwithstanding subsection (b), a physician assistant may not **prescribe or** dispense a scheduled substance listed under IC 35-48-2.

SECTION 8. IC 25-27.5-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) Supervision by the supervising physician or the physician designee must be continuous but does not require the physical presence of the supervising physician at the time and the place that the services are rendered **except that a supervising physician must be physically present when a physician assistant is prescribing prescription drugs.**

(b) A supervising physician or physician designee shall review all patient encounters not later than twenty-four (24) hours after the

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1 physician assistant has seen the patient.

2 SECTION 9. IC 25-27.5-6-2 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. A physician may
4 supervise not more than ~~two (2)~~ **three (3)** physician assistants.

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